IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23232 of 2004

Between:

Paradise Sports Club, regd. No. 4879/2000 at 1-8-167 to 179, 3rd Floor Penderghast Road,
Secunderabad rep by General Secretary S. Narasimha S/o S. Ramulu R/o Plot NO. 166, SBH Colony,
LB Nagar, Hyderabad rep by Secrtary

..... PETITIONER

AND

1 The Commissioner of Police, Hyderabad
2 The Deputy Commissioner of Police, Central Zone Hyderabad
3 The Assistant Commissioner of Police, Saifabad, Hyderabad
4 The Station House Officer of Ramgopalpet Police Station, Hyderabad
5 The Additional Deputy Commissioner of Police, task Force,

Begumpet, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ or order or direction more particularly in the nature of Writ of Mandamus directing the Respondents to allow the lawful snooker, chess, caroms, 13 cards & Syndicate including the card room and the Gymnasium and not to insist on taking license U/s 21 of the City Police Act, as entry into the Club is restricted to Members only and as public has no access and by appointing an advocate commissioner to inspect the premises 1-8-167 to 179, 3rd floor, Prenderghast Raod, Secunderabad to check and verify the activities of the petitioner club and to submit reports of the activities of the

petitioners Club to the Hon'ble Court and pass such other order or orders.

Counsel for the Petitioner:MR.K.M.MUKUNDA RAO.SUJATHA.V

Counsel for the Respondents No.1 to 5: GP FOR HOME

The Court at the stage of admission made the following ORDER Petitioner is a club. Its grievance is that the respondents are interfering with its activities and preventing its members from playing rummy with stakes or in syndicate.

Learned counsel for the petitioner submits that in *State of A.P. v. K. Satyanarayana*, the Supreme Court held that rummy with 13 cards is not a game of choice and it is a game of skill. He contends that Sections 3 and 4 of the A.P. Gaming Act, 1974 do not apply to such game and it falls within the meaning of game of 'mere skill' under Section 15 of that Act.

Learned Government Pleader for Home, on the other hand, submits that under the guise of playing the game of rummy, the members of the petitioner are resorting to three cards play, which is purely the one of choice.

As part of its activities, the petitioner is maintaining a card room. It is stated that the members of the petitioner club are playing only the 13 card rummy, sometimes with stakes and sometimes in syndicate. In view of the Judgment of the Supreme Court referred to above, the respondents cannot interfere with the playing of rummy by the members of the petitioner. However, if it is noticed that the members of the petitioner are playing any game of choice, including the one with three cards, steps can certainly be taken in accordance with law to prohibit and penalize such activities.

Hence, the writ petition is disposed of directing that the respondents shall not interfere with the lawful activities of the members of the petitioner, namely, playing of rummy with 13 cards with stakes or in syndicate and in case, they are found to be playing any other game of skill, it shall be open to the respondents to take such action as is open to them in law. It is also made clear

that under the guise of causing inspection, the officials or advocate-commissioners shall not be posted and the activities of the club cannot be crippled. Further, the respondents shall not insist on licence under Section 21 of the City Police Act, if the game is played by the members of the club alone. On the other hand, if any outsiders are found playing game in the club, it shall be open to them to take necessary action. No order as to costs.

15.12.2004

Note:

Issue CC in two days.

(BO)

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To

1 The Commissioner of Police, Hyderabad

2 The Deputy Commissioner of Police, Central Zone Hyderabad
3 The Assistant Commissioner of Police, Saifabad, Hyderabad
4 The Station House Officer of Ramgopalpet Police Station, Hyderabad
5 The Additional Deputy Commissioner of Police, task Force,

Begumpet, Hyderabad

6 Two CCs. to the G.P. for Home, High Court of A.P.,

Hyderabad(OUT)

7 Two CD copies.